

CLERK'S OFFICE U.S. DIST. COURT  
AT ROANOKE, VA  
FILED  
July 11, 2025  
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IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

SAUNDERS MILES FRANKLIN, )  
)  
Plaintiff, )  
)  
v. )  
)  
LT. DAY, )  
)  
Defendant. )

Case No. 7:25-cv-00326

**MEMORANDUM OPINION**

By: Hon. Thomas T. Cullen  
United States District Judge

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Plaintiff Saunders Miles Franklin, proceeding *pro se*, filed this civil-rights action under 42 U.S.C. § 1983. (*See generally* Compl. [ECF No. 1].) Plaintiff did not pay the filing fee before filing his complaint and is instead seeking leave to proceed with this action *in forma pauperis*. (*See id.*; Prisoner Trust Account Report [ECF No. 2].)

Under 28 U.S.C. § 1915(g), a prisoner who has already had three cases dismissed as frivolous or malicious or for failure to state a claim cannot file a civil action without prepaying the filing fee “unless the prisoner is under imminent danger of serious physical injury.” 28 U.S.C. § 1915(g). The imminent-danger exception “is triggered only if the incarcerated person alleges sufficient and specific facts establishing that he or she is in imminent danger of serious physical injury at the time of filing.” *Hall v. United States*, 44 F.4th 218, 224 (4th Cir. 2022) (“The plain reading of the statute requires that the ‘imminent danger’ exist contemporaneously when the action is filed.”). Upon finding that Plaintiff had not shown imminent under § 1915(g), the court revoked Plaintiff’s *in forma pauperis* status and ordered him to pay the full filing fee in order to proceed with this action. (*See* Order, June 4, 2025 [ECF No. 4]) The court

cautioned Plaintiff that failure to pay the fee in full or otherwise respond to the court's order within 30 days would result in the immediate dismissal of this action without prejudice. (*Id.*)

More than 30 days have since passed, and Plaintiff has not paid the filing fee has ordered. The court will therefore **DISMISS** this action for failure to comply with the court's order and failure to pay the filing fee.

The Clerk is directed to send copies of this Memorandum Opinion and the accompanying order to Plaintiff.

**ENTERED** this 11th day of July, 2025.

/s/ Thomas T. Cullen  
HON. THOMAS T. CULLEN  
UNITED STATES DISTRICT JUDGE